REMARKS

Claims 1, 11, 29 and 36 are now rejected under 35 USC 102(b) as being anticipated by US 6,119,000 (Stephenson et al.), while claims 2-6, 10, 12-15, 19-21, 24-28, 30, 31, 35, 37, 38 and 42 are rejected under 35 USC 103(a) as being unpatentable over Stephenson et al. in view of US 2002/0082033 A1 (Lohtia et al.) These rejections are respectfully disagreed with, and are traversed below.

The continued objection to claims 7-9, 16-18, 22 and 23 is noted with appreciation, as is the objection to claims 32-34 and 39-41 (which were newly added with claims 29-42 in the previous response). As will be shown below, the claims from which these claims depend are patentable in their own right. However, the applicant again reserves the right to amend these claims in the future to place them in independent form.

Independent claim 1 recites:

> A mobile station executed method for changing from a current cell to a new cell in a wireless packet data network, comprising:
>
> entering the new cell;
>
> generating a cell change packet data unit (PDU) message for informing the network of the location of the mobile station in the new cell;
>
> buffering the cell change PDU message into a PDU transmit queue before any buffered PDUs that were present before the mobile station entered the new cell; and
>
> transmitting the buffered cell change PDU before any of the buffered PDUs that were present before the mobile station entered the new cell.

Independent claim 11 recites:

> A mobile station comprising a packet data buffer and a controller that is responsive to changing location from a previous cell to a new cell in a wireless

> packet data network for generating a cell change packet data unit (PDU) message for informing the wireless packet data network of the presence of the mobile station in the new cell and for buffering the cell change PDU message into the packet data buffer such that it is selected for transmission prior to any buffered PDUs that were present before the mobile station entered the new cell, said mobile station comprising a transmitter for transmitting the buffered cell change PDU for informing the wireless packet data network of the cell in which the mobile station is currently located so that packet data intended for the mobile station is not transmitted into the previous cell by the wireless packet data network.

Independent claim 29 recites:

> A computer program embodied in a computer readable medium the execution of which in association with a device cell change operation performs operations of:
>
> > responsive to entering a new cell, generating a cell change packet data unit (PDU) for informing a wireless network of the location of the device; and
> >
> > buffering the cell change PDU message into a PDU transmit queue such that it is transmitted to the network before any already buffered PDUs.

Independent claim 36 recites:

> A device, comprising:
>
> > means, responsive to entering a new cell, for generating a cell change packet data unit (PDU) for informing a wireless network of the location of the device; and
> >
> > means for buffering the cell change PDU message into a PDU transmit queue such that it is transmitted to the wireless network before any already buffered PDUs.

In rejecting claims 1, 11, 29 and 36 as being anticipated by Stephenson et al. the Examiner refers to Figure 4 and col. col. 7, lines 33-45, and to Figure 1 and col. 6, lines 26-33.

These portions of Stephenson et al. appear to describe conventional cellular network behavior.

For example, col. 7, lines 33-45, state simply that:

> "Upon detecting a location area change, the mobile station transmits a "location update request" which is received by the BTS of the cell in which the mobile station is currently to be found. This request is then passed via the BSC associated with the BTS, back to the relevant MSC. The MSC then updates the location information held for the mobile station in the VLR associated with the MSC. In the event that a mobile station moves from a location area covered by one MSC to a location area covered by another MSC, a changeover process is effected between MSCs which also involves the HLR being updated with the address of the MSC into whose area the mobile station has now moved."

Col. 6, lines 26-33, states only that:

> "mobility management--this is the task of maintaining up-to-date user location information so as to permit incoming calls to be routed to the appropriate mobile station; in GSM, the address of the MSC in the area of which a user is to be found, is stored in the user's HLR whilst the user's location within that area is held in the VLR associated with the MSC. This management function involves the MSCs/VLRs and the HLR."

The Examiner is respectfully reminded that for a rejection to be made on the basis of anticipation, it is well recognized that "to constitute an anticipation, all material elements recited in a claim must be found in one unit of prior art", Ex Parte Gould, BPAI, 6 USPQ 2d, 1680, 1682 (1987), citing with approval In re Marshall, 578 F.2d 301, 304, 198 USPQ 344, 346 (CCPA 1978).

It is first noted that the preamble of claim 1 refers to a mobile station executed method for changing from a current cell to a new cell "in a wireless packet data network". The word "packet" does not appear in Stephenson et al.

The final three elements of claim 1 refer to generating a cell change packet data unit (PDU) message for informing the network of the location of the mobile station in the new cell, buffering the cell change PDU message into a PDU transmit queue before any buffered PDUs that were present before the mobile station entered the new cell and transmitting the buffered cell change PDU before any of the buffered PDUs that were present before the mobile station entered the

new cell.

It is hereby noted that the words "buffer", "buffered" and "buffering" also do not appear in Stephenson et al., and they clearly do not appear in those portions of Stephenson et al. that were specifically noted by the Examiner.

This being the case, and not withstanding the Examiner's comments regarding the International Mobile Subscriber Identity (IMSI) and the "highest priority to register the new location, etc.", it is respectfully submitted that not "all material elements" of claim 1 are found in Stephenson et al., and that Stephenson et al. cannot thereby anticipate claim 1 under 35 U.S.C. 102(b). Further, those portions cited by the Examiner, that appear to be concerned with what appears to be conventional MSC/HLR/VLR behavior and operation, do not suggest or render obvious the subject matter of claim 1. The arguments made with regard to claim 1 are applicable as well claims 11, 29 and 36.

If the Examiner believes otherwise, then he is respectfully requested to point out with more specificity where all of the material elements of claims 1, 11, 29 and 36 are expressly disclosed in Stephenson et al. Absent such a showing, the rejection of these claims under 35 U.S.C. 102(b) should be withdrawn.

In that claims 1, 11, 29 and 36 are clearly allowable over Stephenson et al., then all claims that depend from these four independent claims are also allowable.

Based on the foregoing argument it should also be very apparent that the Examiner's statement, with regard to claim 20, that Stephenson et al. "teaches substantially all the claimed invention" is not correct, and thus the attempt to combine Stephenson et al. with the General Packet Radio System (GPRS) network element teachings of Lohtia et al., which is clearly not admitted is suggested, would still not function to render claim 20 unpatentable.

Independent claim 20 is drawn to a method for informing a Serving General Packet Radio

Service (GPRS) Support Node (SGSN) of a wireless network that a Mobile Station (MS) has made a cell change, comprising:

> changing from a first cell to a second cell with the MS; and
>
> prior to the SGSN receiving a communication from the MS, notifying the SGSN of the MS cell change. (emphasis added)

It is again pointed out that the words "handoff", "handover" or "cell change" are not believed to be found in Lohtia et al. Thus, the Examiner's attempt to combine the teachings of the two cited references would still not render the subject matter of claim 20 unpatentable.

Independent claim 27 is drawn to a method for organizing PDUs into a transmit queue, comprising:

> passing a PDU to a Radio Link Control (RLC) unit, the PDU having a flag for indicating a priority of the PDU relative to other PDUs;
>
> storing the PDU into the transmit queue in accordance with the indicated priority; and
>
> transmitting the stored PDU to a radio channel before any stored PDUs having a lower priority.

For the reasons argued above, it is not seen where the proposed combination of Stephenson et al. and Lohtia et al. renders this claim unpatentable. The Examiner again refers to col. 10, line 53, to col. 11, line 10, but this time in the context of the newly cited Stephenson et al., not the previously cited of Yegani et al. (see the previous office action at page 6, lines 12-14). This portion of Stephenson et al. has been reviewed, and it is not seen what relevance it has to the subject matter of claim 27. If this was an error in citation, then the Examiner is respectfully

requested to issue a third, non-final office action to clarify his rationale for rejecting claim 27.

Clearly, all claims that depend from the independent claims 1, 11, 20, 27, 29 and 36 should also be found to be allowable, at least for the reason that each depends from a claim that should be found to be allowable over Stephenson et al., or over the proposed combination of Stephenson et al. and Lohtia et al.

As but one example, it is again noted that dependent claim 28 further modifies claim 27 by stating that the "RLC unit is associated with a mobile station, where the PDU is a cell change PDU, and where the cell change PDU is assigned a highest priority." The claimed subject matter is clearly not found in either Stephenson et al. or in Lohtia et al., and is thus also clearly allowable over these two references alone or in combination.

Further, when rejecting claims 3, 13, 31 and 38 the Examiner refers to Figure 13 and col. 19, lines 41-51 of Lohtia et al. Clarification is requested, as there is no Figure 13, or col. 19, in Lohtia et al. (nor is there a Figure 13 in Stephenson et al.)

Further by example, when rejecting claims 5 and 14 the Examiner refers to col. 17, lines 21-30, of Stephenson et al. The rejection is not understood, as for example claim 5 recites the method as in claim 1:

> "wherein the generated cell change PDU is transmitted only if a first PDU in the transmit queue exceeds a predetermined length, otherwise the cell change PDU is discarded and the first PDU in the transmit queue is transmitted instead",

whereas the cited portion of Stephenson et al. states:

> "when a Handover Complete message 75 is detected by monitor 40Z, it checks whether the connection record identified by the appropriate SCCP local reference of the message 75 has associated old CellID and RR3 Handover Command parameter values--if these parameter values are present, the monitor 40Z sends a Correlation New message 81 to the central station 42 including the monitor ID, the old CellID, the parameter values of the RR3 Handover Command, and the

SCCP local reference used to identify the connection record."

What relevance this passage from Stephenson et al. has to claims 5 and 14 is not understood, and further clarification is requested.

Further by example, the rejection of claims 6 and 15 is also not understood. The Examiner states that Stephenson et al. teach a GPRS network. However, and as was noted, the word "packet" does not appear in Stephenson et al., and neither does "GPRS". Col. 10, line 61 to col. 11, line 7, does not appear to be relevant, and in fact it appears to be related to messaging between the Base Station Controller (BSC) and the Mobile Switching Center (MSC).

The foregoing specific references are not to be construed as being exhaustive of all of the rejections made by the Examiner with which the applicant is in disagreement.

The Examiner is respectfully requested to reconsider and remove the rejection of claims 1-6, 10-15, 19-21, 24-31, 35-38 and 42 under 35 USC 102(b) and 35 USC 103(a), and to allow all of the pending claims 1-42 as now presented for examination. An early notification of the allowability of claims 1-42 is earnestly solicited.

Respectfully submitted:

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6/14/2006 Claire F. Braun

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